

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 1175 - SB 1317

March 15, 2011

SUMMARY OF BILL: Expands first degree murder to include the killing of a law enforcement officer committed during the perpetration or attempted perpetration of any violation of the drug offenses enumerated in Tenn. Code Ann. § 39-17-417 while the officer was engaged in the performance of official duties and where the defendant knew or should have known that the victim was a law enforcement officer. Requires no culpable mental state for conviction except the intent to commit the underlying felony.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$55,400/Incarceration*

Assumptions:

- According to information published by the Tennessee Bureau of Investigation (TBI) Crime Statistics Unit, there has been an average of two law enforcement officers killed in the line of duty in each of the past nine years. According to the TBI 2009 Crime in Tennessee Report, there were a total of 328,824 adult arrests in 2009 with 44,045 of those (13.4%) being drug-related. Applying the same factor, the Department of Correction (DOC), estimates one additional admission every four years for first degree murder of a law enforcement officer resulting in an additional 34 years on their sentence (an increase from 17 years to 51 years).
- According to the U. S. Census Bureau, Tennessee population growth has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every four years after the sentence increase is added to time currently served
- According to DOC, the average operating cost per offender per day for calendar year 2011 is \$60.62. The cost per offender at 17 years is \$376,404.74 (\$60.62 x 6,209.25 days). The cost per offender at 27 years (10th year) is \$597,819.29 (\$60.62 x 9,861.75 days). The additional cost of increasing the average sentence length is \$221,414.55 (\$597,819.29 - \$376,404.74). The annualized cost per conviction is \$55,353.64 (0.25 annual number of convictions x \$221,414.55).
- Any additional increase to the caseloads for state trial courts can be accommodated within existing resources without an increased appropriation or reduced reversion.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc